

O
JS-6

cc: order, docket, remand letter to
Los Angeles Superior Court, Santa Monica, No. 13 R 10916

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAKE IT NICE, LLC,
Plaintiff,
v.
JOHN MANOS and all occupants in
possession,
Defendants.

Case No. 2:13-cv-09566-ODW(AJWx)
**ORDER REMANDING CASE TO
LOS ANGELES COUNTY
SUPERIOR COURT**

On December 31, 2013, Defendant John Manos removed this unlawful-detainer case to this Court, ostensibly invoking jurisdiction under 28 U.S.C. §§ 1331–33 and the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692k. (ECF No. 1.) But since this unlawful-detainer case does not invoke any ground for federal jurisdiction as a matter of law, the Court **REMANDS** this case to Los Angeles County Superior Court, case number 13R10916.

First, this action does not give rise to federal-question jurisdiction under 28 U.S.C. § 1331. “The presence or absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). A plaintiff may therefore avoid federal jurisdiction by relying exclusively on state law, and “federal jurisdiction cannot be predicated on an actual or anticipated defense.”

1 *Vaden v. Discover Bank*, 556 U.S. 49, 60 (2009); *see also Hunter*, 582 F.3d 1039,
 2 1042–43 (9th Cir. 2009) (“It is settled law that a case may not be removed to federal
 3 court on the basis of a federal defense.” (internal quotation marks omitted)).

4 Courts have repeatedly held that unlawful-detainer actions do not present a
 5 federal question. *Aurora Loan Servs. v. De La Rosa*, No. 11-912, 2011 U.S. Dist.
 6 LEXIS 69217, at *3 (C.D. Cal. June 27, 2011). Moreover, Plaintiff Make It Nice,
 7 LLC does not allege any federal question in its Complaint, and any federal defense—
 8 including the FDCPA—Manos raises is irrelevant to jurisdiction. *Vaden*, 556 U.S. at
 9 60; *Hunter*, 582 F.3d at 1042–43.

10 Second, the amount in controversy does not exceed the diversity jurisdiction
 11 threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). “In actions seeking
 12 declaratory or injunctive relief, it is well established that the amount in controversy is
 13 measured by the value of the object of the litigation.” *Cohn v. Petsmart, Inc.*, 281
 14 F.3d 837, 840 (9th Cir. 2002) (quoting *Hunt v. Wash. State Apple Adver. Comm’n*,
 15 432 U.S. 333, 347 (1977)). And in unlawful-detainer actions, the title to the property
 16 is not the object of the litigation—only the right to possession. *See Evans v. Super.*
 17 *Ct.*, 67 Cal. App. 3d 162, 170 (Ct. App. 1977). The amount in controversy in an
 18 unlawful-detainer action is therefore determined by the amount of damages sought in
 19 the complaint, not by the value of the subject property. *Id.* Since Make It Nice seeks
 20 no more than \$10,000, that amount can never satisfy diversity jurisdiction under 28
 21 U.S.C. § 1332.

22 This case also does not invoke admiralty jurisdiction, as this routine, unlawful-
 23 detainer case bears no connection—no matter how tangential—to traditional maritime
 24 activity. *See Foremost Ins. Co. v. Richardson*, 457 U.S. 668, 674 (1982); *see also* 28
 25 U.S.C. § 1333.

26 ///

27 ///

28 ///

The Court therefore finds that it lacks subject-matter jurisdiction over this case and **REMANDS** the action to Los Angeles County Superior Court, case number 13R10916. The Clerk of Court shall close this case.

IT IS SO ORDERED.

January 6, 2014

**OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE**